

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CITIMORTGAGE, INC.,

Plaintiff,

v.

No. 11-cv-442-DRH

**THOMAS P. NOASCONO, UNITED
STATE OF AMERICA, UNKNOWN
TENANTS, UNKNOWN OWNERS, and
NON-RECORD CLAIMANTS,**

Defendants.

ORDER

HERNDON, Chief Judge:

Pending before the Court is plaintiff's motion to voluntarily dismiss its claims against defendant United States of America pursuant to FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2) (Doc. 19). "The determination of whether to grant a motion for voluntary dismissal rests within the sound discretion of the district court." *Tyco Labs., Inc. v. Koppers Co., Inc.*, 627 F.2d 54, 56 (7th Cir. 1980). This is a residential foreclosure action. Specifically, plaintiff states the United States' tax lien on the property was recently satisfied, and the lien has been released. Based upon this satisfaction, the United States no longer has an interest in this litigation. Thus, dismissal will not prejudice it. Accordingly, the Court **GRANTS** the motion and **DISMISSES without prejudice** plaintiff's claims against defendant United States of America.

IT IS SO ORDERED.

Signed this 7th day of October, 2011.

David R. Herndon



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David R. Herndon
Date: 2011.10.07
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**Chief Judge
United States District Court**